

**REMARKS**

Claims 1-11 are pending. Reconsideration and allowance of the application are respectfully requested based on the following comments.

The Office Action rejects claims 1-11 under 35 U.S.C. §102(e) as being anticipated by Haraguchi, et al. (U.S. 6, 222,613). This rejection is respectfully traversed.

Applicant's arguments filed in the Response dated January 11, 2005 are hereby incorporated by reference.

In the section entitled "Response to Arguments", the Office Action alleges that the manual control which allows a user to manually manipulate a displayed image disclosed at column 11, lines 22-40 of Haraguchi is viewed by the Examiner as customizing the default processing conditions and the processing conditions corresponding to the model of the digital camera, as recited in embodiments of the present invention. Applicant respectfully disagrees.

Applicant admits that digital cameras each perform digital processing of a captured image according to default processing conditions. Upon capturing the image, the image is processed using these default processing conditions prior to the image being in a state ready for display. Thus, there is a capturing of the image, processing of the captured image using default processing conditions and then display of the image.

The process described above is taught by Haraguchi. Haraguchi discloses that image processing conditions that are predetermined are stored in each type of digital camera. See column 10, lines 62-65. Image processing is first carried out on the image information on the basis of the image processing conditions. See column 11, lines 1-3. It is only after the image has been captured, processed using the image processing conditions and displayed that a user can

then manually adjust the color/density. The user may also manually correlate image processing conditions to a type of a digital camera during processing of the image on a photosensitive material, essentially the development of the print. See column 11, lines 5-40.

However, none of the above-described teachings of Haraguchi customize the default processing conditions or the processing conditions corresponding to the model of digital camera, as in embodiments of the present invention. The default processing settings of Haraguchi never change. The after processed image can be manually changed, by modifying characteristics of the processed image, but the default conditions themselves are never accessed or changed in any way. The next captured image will be processed using the default processing conditions and not the changes made by the manual manipulation of the previous photo by a user. Thus, Haraguchi does not teach customization of the default processing conditions.

Therefore, Haraguchi fails to teach or suggest, *inter alia*, customizing the default processing conditions and/or the processing conditions corresponding to the model of the digital camera, as recited in independent claims 1, 10 and 11.

Also, Haraguchi fails to teach, *inter alia*, default processing condition setting means for customizing the default processing conditions; or model processing condition setting means for customizing the processing conditions corresponding to the model of the digital camera, as recited in claim 5.

Therefore, in view of the above, applicant respectfully submits that Haraguchi fails to teach each and every feature of applicant's independent claims 1, 5, 10 and 11 as required. Dependent claims 2 through 4 and 6 through 9 are also distinguishable for the above reasons as

well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion


For at least these reasons it is respectfully submitted that claims 1-11 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: December 2, 2005

Respectfully submitted,

By  # 39,491  
for Michael K. Mutter  
Registration No.: 29,680  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant